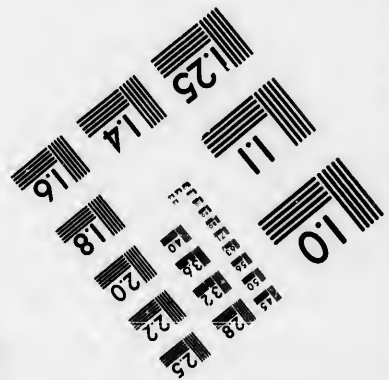
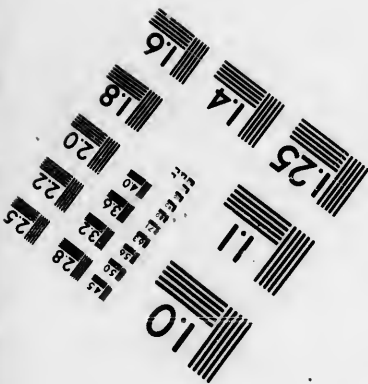
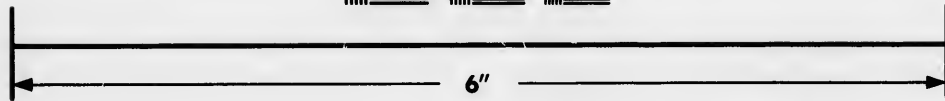
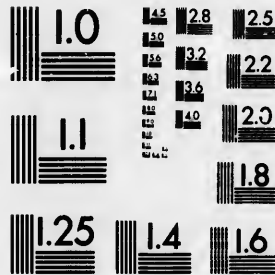


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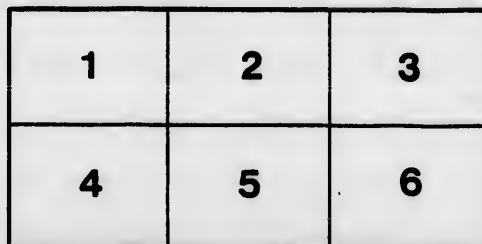
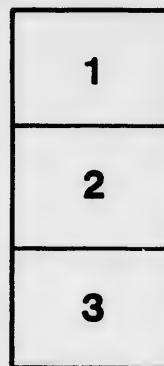
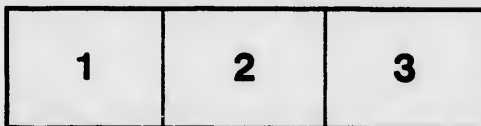
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(NO. 82.)

# RETURN

TO AN

ORDER OF THE LEGISLATIVE ASSEMBLY

— OF THE —

13<sup>TH</sup> DECEMBER, 1893.

— UPON —

CORONERS' INQUESTS.

To

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# RETURN

—(No. 82.)—

To an Order of the Legislative Assembly, dated December  
13th, 1893, for

A copy of the Report of Dr. Wyatt Johnston, of Montreal, addressed  
to the Attorney-General, upon Coroners' Inquests ;

Also a copy of the Appendix to said Report.

LOUIS P. PELLETIER,

*Secretary of the Province.*

SECRETARY'S OFFICE,  
Quebec, December, 1893. }



QUEBEC, 26th December, 1893.

THE HONORABLE

THE SECRETARY OF THE PROVINCE OF QUEBEC.

SIR.—In reply to yours of the 13th instant, forwarding a copy of an Order of the Legislative Assembly, the Attorney-General instructs me to enclose you a copy of Doctor Wyatt Johnston's report on Coroners' Inquests, with appendix thereto, as required by said Order.

I have the honour to be,

Sir,

Your obedient servant,

L. J. CANNON,  
Assistant Attorney-General.

True Copy,

JOS. BOIVIN,

Assistant Provincial Secretary.

## REPORT ON CORONER'S INQUESTS.

THE HONOURABLE THE ATTORNEY-GENERAL,

Quebec.

SIR,—For the sake of convenience, I have placed in an appendix the information obtained during my recent trip to Coroners' Courts in the United States and have also added some other statistics, etc., bearing upon the subject of reforming the Coroner law, with comments.

In the past, the chief complaints in regard to the Coroners' Courts of this Province seems to have been that (1) deaths were investigated which were not in the first instance, strongly suspicious; (2) that the investigations were unsatisfactory and inconclusive, and (3) that the expense appeared excessive in proportion to the results obtained.

The various changes in the Coroner law of the Province do not appear to have removed these objections, and the new arrangement made in Montreal, at the commencement of the present year, of having a lawyer appointed as Coroner, with an official physician to make all medical examinations, has not, as yet, greatly improved matters.

In this connection, it must be remembered that the plan of an official medical examiner has not had a fair trial during the nine months for which it has been in force, as the medical expert has only been consulted in less than one-half of the inquests; and in eighty-five of the eighty-eight preliminary enquiries, made from January to May, 1893, was not consulted at all; owing, no doubt, to the absence of definite instructions from head-quarters upon this point. It is evident that, where the official physician is not summoned, the Coroner becomes responsible for the investigation of both medical and legal sides of the case.

### NUMBER OF INQUESTS HELD.

The number of deaths investigated in the Montreal district by the Coroner has been at the rate of 1.3 per annum per 1,000 population, and the number of inquests at the rate of 1.0. These numbers, judging by the experience of cities elsewhere, do not appear to be excessive, the number in all parts of the world ranging between 1 and 3 per 1,000. New York investigates 3.0; Philadelphia 2.7; London 2.0; Pittsburg 2.0; Buffalo 2.0; Baltimore 2.4; Washington 2.5; Birmingham 2.4; Liverpool 3.0; Charlestown 4.0; Newark 2.3; Chicago 1.5.

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Cleveland 1.3; Wilmington 1.3; St. Louis 2.4; Boston 1.2; New Haven 1.1; and Milwaukee 1.5; while, of a number of the other cities, of which I have reliable returns, there is not one where less than one death is investigated yearly for every thousand inhabitants.

While this, no doubt, shows that about this proportion of deaths may be expected to occur annually in a large city, under circumstances calling for an investigation of some sort, it does not necessarily follow that inquests should be held and a jury summoned in all these cases. It seems customary, in most places, to make a preliminary enquiry, in order to see whether the death is really due to violence. According to the thoroughness with which this enquiry is made, the number of deaths calling for an inquest is reduced to three-fourths, one half, or even one-fourth of the total number reported for investigation.

The Quebec statute of 1892 necessitates a preliminary enquiry by the Coroner before deciding to hold an inquest; and, if a careful and satisfactory enquiry could be enforced, there would be no grounds for holding inquests in more than one-fourth of the total number of deaths reported as suspicious in Montreal; in other words, less than 100 inquests would be held in each year. The Quebec statute differs materially from that of England, which compels Coroners to hold public inquests in all cases of deaths not due to natural causes, and in all deaths in prison from any cause whatever. In Ontario, where the statute is the same as Quebec, no inquests are held in cases of accident from negligence of the deceased or cases of suicide.

It seems better in the interest of society that inquests should be held in cases of suicide, in order to check its frequency; as, in countries where this is not done, suicide is decidedly more frequent; but the present Quebec statute leaves it doubtful whether inquests must be held on suicides or not.

The idea of the Quebec statute of 1892 seems excellent in principle, as the State can have no interest in investigating deaths not due to violence. The only defect is that, without a medical examination or inquiry, it is impossible, in most cases, to determine whether death is due to violence or not; and a knowledge of the cause of death is, in most instances, the first step necessary.

#### PRELIMINARY MEDICAL EXAMINATION.

In the United States this fact is taken advantage of, and the preliminary examination is always made by a medical man. Most of the American and Canadian coroners are, on this account, physicians; and, when such is not the case, are provided with medical officers who make the preliminary enquiry. The result being, that inquests are only held upon violent deaths,

## AUTOPSIES.

The best results are obtained when an autopsy is permissible at the preliminary inquiry. In Massachusetts, in spite of the fact that nearly \$40 is paid for each autopsy, the average cost of investigating suspicious deaths is \$12.80, or \$10 less than in Montreal; and, in New York, the average cost of each death investigated is only \$10; including all the expenses of conducting the Coroner's Court.

The Quebec law, instead of attempting to utilize the medical examination as a means of reducing expenses, has avoided all medical evidence as much as possible, and has placed so many restrictions upon the performance of autopsies that the number of these has been reduced to a minimum. This has had the undesired effect of giving a very unsatisfactory service, without securing the economy aimed at, as may be judged from the fact that, in London, where autopsies are ordered in fifty per cent of all the deaths investigated, the average cost is only \$15.35 for each case; which, in Montreal, with autopsies in only 13 0/10 of the cases, the cost has averaged \$22.28.

During the period from January 1st, to September 30th, there were 301 deaths investigated in the district of Montreal. The expense, after deducting \$150 allowed for my trip, amounted to \$6,705.85, or \$22.28 for each case investigated; in spite of the fact that no medical fees at all were paid in 98 cases; or nearly one-third of the whole.

Of this sum, \$295, or an average of 98 cents for each case, was directly spent for autopsies; this amount representing the additional fee of \$5 over the cost of an external examination; and the full fee of \$10 in 17 cases, where external examination fees were paid to other medical witnesses, and the official physician called simply to do the autopsy. After deducting this \$295 and also \$200 charged to chemical analyses, arising indirectly out of the results of the autopsies from the total expense (\$6,705.85), there remain \$6,210.85, or \$20.63 spent on an average in each case for coroners' and physicians' fees, constables' fees, clerk hire, transport and care of bodies, rent of rooms, mileage and other incidental expenses before the investigation had reached a stage when an autopsy could be legally authorized:—much more than is spent for the entire investigations in London, although autopsies are performed there in 50 0/10 of all the cases. This looks rather as if article 2689 led to twenty dollars being spent in every ten dollars saved. In 1890-92, the average cost of 240 inquests held yearly was \$22.50 each; of which 37 cents was directly paid for autopsies.

On the other hand, the early performance of an autopsy would certainly have shown, in half the cases, that no grounds existed for holding an inquest, and so have saved a large number of inquests; the average cost of which was

more than double that of an autopsy, while the verdicts were often absurdly at variance with the facts (or absence of facts) elicited by the enquiry.

It is evident that too large a proportion of the money spent in Montreal for Coroners' investigations is frittered away in fees and expenses (which may be perfectly legal and permissible under the law, but are absolutely useless in furthering the investigation) and this has led to an undesirable economy in which the real objects of the enquiry are lost sight of.

As some doubt existed as to the power of the Province to pass a statute, authorizing the performance of autopsies as a preliminary means of investigating deaths from unknown causes, under suspicious circumstances, I have made careful enquiries on the subject of the Department of Justice at Ottawa. I was informed the Province has a perfect right to authorize this, and that there is nothing in British or Canadian criminal law to prevent it, or render it inadvisable.

I am not advocating the indiscriminate and wholesale performance of autopsies when they are not needed to show whether death was due to violence or not; but no restriction should be placed upon their being made when really called for.

Even without autopsies, a preliminary inquiry and view of the body often yield satisfactory information that death has been natural, in cases which seem suspicious to persons not having a medical training.

In American cities, where official medical experts are attached to the Coroner's Court, no fees are paid to other medical witnesses. In England no fees are paid to medical officers of public institutions in connection with deaths occurring in them. In all American cities as large as Montreal the coroner and, usually, the official physician are paid fixed salaries. There were no complaints that the work was neglected on this account.

#### MEDICAL FEES.

In the Quebec tariff there is no fee arranged for medical evidence apart from that obtained from examination of the body, and there is no arrangement at all for paying medical fees where inquests are not held.

Independent of the examination of the body, the information furnished by physicians who have seen the deceased during life is often of much value. Without this it is often impossible to give a correct opinion as to the cause of death, even after an autopsy, and the testimony of physicians who have attended the case often enables an autopsy to be dispensed with.

While some provision is needed to ensure that all medical opinions should be founded on facts which bear them out, and that such opinions are, generally, more correct when given by an expert, it is equally true that all medical testi-

mony at inquests, whether of fact or opinion, is, in a sense, expert evidence, and is recognized and paid for as such in our Courts.

It has been found elsewhere that proper use of medical evidence forms the best means of avoiding unnecessary inquests without running a risk of serious mistakes, and any arrangement tending to secure such evidence, before an inquest is decided upon, would certainly lead to economy.

The presence of a medical attendant at an autopsy is often of the greatest assistance to the expert performing it; and affords the additional security that the medical evidence in Court, subsequently, will not suffer in case of absence or death of the official physician. For this reason a special fee is provided in States where the medical examiner system has been adopted for physicians acting as witnesses at autopsies.

In addition, it has been found in the United States that a written statement of medical fact or opinion by a medical man usually suffices for the purposes of an inquest, so that his personal attendance is seldom necessary. This privilege is highly appreciated by the medical profession, and the legal officials did not consider that the interests of justice suffer. Of course, in all cases when the presence of a physician at an inquest is necessary it must be insisted upon.

I think it would be well to provide a special fee, say \$2 for a verbal or written statement of medical facts or opinion without examination of the body, and without attendance at an inquest; also to pay a separate fee of, say, \$1 for attendance of a physician at an inquest or autopsy. The medical examiner would probably be the best judge of when and to what extent outside medical evidence or assistance is necessary.

I did not find that the practice of obtaining medical evidence *gratis* led to any good results. Unless the co-operation of physicians is secured in preliminary inquiries, unnecessary inquests have to be held at a much greater expense, than is incurred by a medical fee.

#### VIEW OF BODY.

The view of the body by non-medical persons appears to be a perfectly useless proceeding. Such persons constantly detect external signs of violence where none exist, or overlook, or fail to understand them when present. This is constantly seen under the present regulations which necessitate the jury viewing all bodies, and brings about so much unnecessary intrusion upon households in mourning.

Doing away with the view by the jury has now become general in the United States, and has the advantage of enabling all inquests to be held at convenient

hours in a central locality, besides saving the cost of transport in all cases where this is not necessary for the purpose of medical examination, and enabling the body to be buried as soon as the medical examination is completed. In addition, as the jury do not have to be summoned before the evidence is complete, an adjournment is seldom necessary. The establishment of the fact of death and identity by sworn testimony fulfils everything that is attained through the view by the jury. I learned at the Department of Justice that the view by the jury forms no part of criminal procedure, and is not necessary in order to legalize a verdict of homicide in Canada.

#### MEDICAL EXAMINER SYSTEM.

Nearly all the difficulties in connection with Coroner's law, arise from the fact that it is attempted to place both medical and legal powers and duties in the hands of one individual, who very often knows little or nothing about either law or medicine.

A solution of the problem appears to have been found in the United States, by separating, as far as possible, the medical and legal sides of the investigation, leaving all medical matters to competent physicians, known as Medical Examiners; and all legal matters, either to the regular judicial and police authorities in Massachusetts, or to coroners having legal knowledge in Connecticut.

It seems sufficiently obvious that, the deciding whether a death is due to violence or not, is a purely medical matter, and deciding whether the violence is criminal or not, a purely legal one. Further, that until death has been shown to be due to violence there is no legal question at all. For this reason, the preliminary investigation is made by the Medical Examiner; who, if he is satisfied that death is due to violence, or if he is in doubt, refers the case to the legal authorities for further investigation.

I have given, in the appendix, details of the "Medical Examiners'" systems and their results. The Connecticut law, which provides for medical examiners, acting under the direction of the Coroners, appears to me the best; and could be adopted, almost as it stands by the Province of Quebec, with the effect of greatly improving medico-legal investigations; and, at the same time, materially lessening the expenses.

In Massachusetts, Coroners have been abolished, with very happy results; and this could be done in Quebec, if desired, as the office is not constitutional in Canada. If the office is retained, it should be so regulated as to give better results than would be obtained without Coroners.

It is preferable to make the medical examiner, to some extent, independent of the Coroner; instances have come before my notice where Coroners have tried

to compel the medical deputies to give certain opinions not justified by the facts, or have prevented them from doing their work thoroughly. The Coroner, however, should have the right to investigate any case not considered suspicious by the Medical Examiner, if he sees fit.

A joint preliminary examination by the Coroner and Medical Examiner appears to be the best means of proceeding in cases not obviously due to natural causes. As a large number of the deaths, reported as suspicious, are always found due to natural causes, the Coroner would, in these cases, have almost nothing to do; and, in many deaths, especially by those from accidents, where the cause of death was perfectly plain, a careful inquiry, by the Coroner, into the outside circumstances might be necessary.

On this account, if a joint inquiry were made, either the Coroner or Medical Examiner, would, in many cases, have very little work; and, therefore, a reduced fee paid in all cases would be fair to both. One Coroner could easily take charge of a district requiring several Medical Examiners; and, in the country, where the outside circumstances are readily ascertained, the medical examiner might take entire charge of the preliminary investigation, only notifying the Coroner when the case proved really suspicious. In the country, we have, already, medical men now acting as Coroners who could be appointed Medical Examiners.

It is very important that the Medical Examiner should *make inquiry* into medical matters, in addition to examining the body, and should aid the Coroner in making any medical enquiries. In any case, the first thing to be established is whether death is due to violence or not, before the legal question of responsibility can be considered at all.

Juries should only be summoned when their assistance is really necessary. It seems safer to call them, in all cases of homicide and, possibly, of suicide, but their real usefulness would lie in considering cases supposed to be due to negligence, especially railway and industrial accidents. The verdicts given in such cases, though they never result in a conviction for homicide, no doubt indirectly tend to ensure public safety.

In many parts of the United States inquests are held privately, but this plan would scarcely be tolerated here. Publicity, by juries, is a protection to a Coroner, as the blame for any mistake, of course, rests with the jury.

#### DEATHS FROM NATURAL CAUSES.

Respecting the large number of natural deaths reported as suspicious, it may be said that the proportion they form in Montreal cases, viz 42 0/0, is not unusually high;—the number in New York being 68 0/0, in Philadelphia 72 0/0, in Liverpool 72.3 0/0, in Charleston 77 0/0 and in Chicago 47 0/0. In Boston they form 36.6 0/0.



The best means of excluding these cases from Coroners' Courts is by establishing some good system of registration of deaths, and enforcing a preliminary medical investigation by the Local Boards of Health into deaths not properly certified, before reporting them to the Coroner. I am glad to learn that there is a prospect of the charter of the city of Montreal being amended in this respect during the present session.

CONCLUSION.

In conclusion, I have only to state that, in my opinion, what is needed to improve the Coroner's Court of the Province of Quebec is the introduction of a law similar to that now existing in Connecticut, providing for coroners with legal knowledge and official medical examiners, with definite instructions as to the duties of both.

I would, therefore, respectfully suggest :—

1. The appointment, in each district, of official medical examiners, to determine whether death is due to violence or not ; and of magistrates or lawyers, as coroners, to decide whether such violence is criminal and calls for inquest before a jury.
2. A preliminary inquiry and examination of the body in all cases reported ; made jointly by the medical examiner and coroner in cities, and by the medical examiner alone in rural districts ;—the facts obtained to be recorded in writing.
3. Autopsies to be ordered when the cause of death is unknown, and the circumstances of the death suspicious. Juries to be summoned when evidence is obtained pointing to criminal violence.
4. Salaries to be substituted for fees in the case of large cities.

If desired to do so, I am prepared to frame an Act which will provide for this system of investigation ; but it appears to me that the Connecticut law is almost exactly what is required. Even, under the present law, a preliminary inquiry would greatly improve matters.

Attempts at economy, by trying to do away with the medical investigation, have only resulted in producing a system which is so inefficient as to be a constant subject of public ridicule ; which makes the average investigation much more expensive than in London, Massachusetts or New York, and which has not yet trained in this Province any official whose experience in medico-legal examinations is sufficient to make his opinion, as an expert, of much value.

If the useless fees and expenses now made necessary by the " pomp and circumstance " of coroners' inquests were dispensed with, a more efficient service would be obtained and less money spent.

I have the honour to be,

Your obedient servant,

WYATT JOHNSTON.

Montreal, November 21st, 1893.

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# APPENDIX TO REPORT ON CORONERS' INQUESTS IN AMERICAN CITIES, ETC.

BY DR WYATT JOHNSTON.

The number of cities visited was 17 ; most of which had populations of over 100,000. They were situated in 15 different states, as follows :—

Boston, Mass.	Providence, R. I.	New Haven, Conn.
New York, N. Y.	Brooklyn, N. Y.	Newark, N. J.
Philadelphia, Pa.	Pittsburg, Pa.	Wilmington, Del.
Baltimore, Md.	Washington, D. C.	Louisville, Ky.
Cincinnati, O.	Jeffersonville, Ind.	St. Louis, Mo.
Chicago, Ill.	Toronto, Ont.	

In addition, I have corresponded with a number of coroners and other persons interested in the subject, who have supplied information and statistics.

An idea of the various systems followed may be seen from the following table, showing the persons employed for investigating suspicious deaths :—

England—	Coroner and jury.		
Canada—	do		
Scotland—	Procurator fiscal and Police surgeon.		
France—	Magistrate and Medical Expert.		
Germany—	do		
Massachusetts—	Medical Examiner, District Attorney and Magistrate.		
Rhode Island—	Medical Examiner and Coroner		
Connecticut—	Coroner, Medical Examiner and Jury. (xx)		
New Hampshire—	County Solicitor.		
New York—	Coroner, Coroner's Physician and Jury (xx)		
New Jersey—	County Physician and District Attorney.		
Pennsylvania—	Coroner, Coroner's Physician and Jury.		
Ohio, (x)—	Coroner.		
Maryland, (x)—	Coroner, Coroner's Physician and Jury. (xx)		
Washington, D. C., (x)—	do.	do.	do.
Illinois—	do.	do.	do.
Missouri, (x)—	do.	do.	do.
Indiana—	do.	and Jury. (xx)	
Kentucky (x)—	do.	do.	
South Carolina, (x)—	do.	do.	
Minnesota, (x)—	do.	do.	

(x) Indicates that Coroner is a medical man.

(xx) " " Jury is optional.

It will be noticed that, in the United States and in European States, with the exception of England, it is the rule, either to have special medical officers appointed to assist the Coroner, or to have medical men appointed as Coroners.

What I studied most carefully was the system of medical examiners, introduced, in 1877, into Massachusetts; and adopted since, with certain modifications, into Rhode Island and Connecticut. I have given a synopsis of the statutes in these three States, as the system, especially that of Connecticut, appears to have removed all the difficulties that exist in the Province of Quebec; and, at the same time, to be perfectly adaptable to British and Canadian criminal law.

My attention was chiefly directed to the medical part of the system: but I was particular to make inquiries of lawyers and judges as to how it worked, from a legal point of view. They all agreed in pronouncing it highly satisfactory, and other public officials expressed the same opinion. Though the Massachusetts law was rather hastily framed some fifteen years ago, it has never needed serious revision or caused any public dissatisfaction. I have not been able to find any State under the Coroner system where legislative attention of some sort was not needed every two or three years, and no one ever appears to be satisfied with the result.

The whole beauty of the Massachusetts system is that it leaves all medical questions in the hands of medical men, while all legal matters are attended to by the regular judicial and police authorities. The composite character of the coroners' duties, partly medical and partly legal, appears to be the only real reason why the coroner's system does not work well. In Connecticut, where the coroner is retained, but only charged with the legal side of the investigation, things go quite as smoothly as in Massachusetts.

In New York, Michigan and New Hampshire, it has been attempted to introduce the medical examiner system, but without success, owing to the fact that the office of coroner is part of the constitution and cannot be abolished without revising the Constitution.

MEDICAL EXAMINER SYSTEMS.

The following are the chief points in the medical examiner laws of Massachusetts, Connecticut and Rhode Island.

MASSACHUSETTS SYSTEM.

The office of Coroner has been abolished.

Medical Examiners are appointed by the Governor for a term of seven years, but are removeable for cause shown. They really retain office for life or during good behaviour.

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They give bonds of \$5,000.

In Boston, two Medical Examiners receive a salary of \$4,000 each. In other districts \$5 is paid for each view and enquiry and \$30 for view and inquiry with autopsy.

No medical fees are paid at inquests.

"Medical Examiners shall make examinations upon the view of the dead bodies of such persons only as are supposed to have come to their death by violence."

"When, after view and personal inquiry, he deems a further investigation necessary, he shall, after being authorized, in writing, by the district attorney or mayor, make an autopsy; and report, in writing, every fact and circumstance showing the cause and manner of the death."

A copy of this view and inquiry or autopsy is sent to the District Attorney. If death is thought due to violence, it is reported for inquest before a Judge of the district who received a duplicate copy. In any case, the Medical Examiner certifies the identity and cause of death, if known, and orders the body to be buried. Two witnesses must be present at an autopsy, one of whom may be a physician, who receives for this five dollars.

The Justice holds an inquest, which may be private, examines witnesses summoned by subpoena and makes a finding and draws up a report.

The Judge's fee is \$5 for each day of inquest and \$5 for report.

The District Attorney or some one appointed by him, may be present at the inquest and examine all witnesses. In cases of homicide, the evidence is taken in shorthand and paid for by the District Attorney's office, where a copy of the record is filed in all cases. In railway accidents, except those to trespassers, the stenographer's fees are paid by the Railway Company. Medical Examiners are rarely needed at inquests, as their report furnishes all necessary information. If the Medical Examiner finds death not due to violence (*i. e.* the criminal act or negligence of another person) the District Attorney or Attorney-General may, notwithstanding, order an inquest.

Inquests must be held in all railway accidents. The medical examiner may employ a chemist to aid him in investigating the cause of death. He takes charge temporarily of property found on the deceased and is responsible for it. The District-Attorney's approval of an autopsy report is required before payment is made. Expenses are all borne by the city or county where the body was found. Records of all deaths investigated are sent once a year to the Secretary of the Commonwealth for statistical purposes.

No body may be buried without a certificate from the Board of Health or from the Medical Examiner. No body shall be cremated without an order from a Medical Examiner. Persons charged with homicide are publicly examined before a Magistrate, who may dismiss the case. The case, if not dismissed, is presented before a Grand Jury by the District Attorney. Only these cases are tried where the medical and legal proof both appear satisfactory, as may be judged by the fact that, out of ten trials annually for homicide, in Boston, there are, usually, ten convictions.

A special police officer collects the evidence in cases reported for inquest,

The system has, in my opinion, the effect of throwing too much responsibility upon the Medical Examiner for matters not strictly medical. Also, inquests are often delayed. It would not be applicable here unless the duties of the office of Crown Prosecutor are materially modified, or the Coroner made to act under him. It has, however, the great advantage that one individual, the District Attorney, follows the legal case from beginning to end, and is responsible for every step taken.

There appears never to have been any complaint of too many cases being enquired into. In every case, men of high standing in the profession seem to have been selected as Medical Examiners.

#### RHODE ISLAND SYSTEM.—Chapter 420, April 30th, 1884.

Medical Examiners are appointed by the Governor, and hold office for six years, and give bonds to the amount of \$1,000. They "make examinations upon the bodies of such persons only as are supposed to have come to their "death by violence," and must examine and view all such bodies. If, upon view and personal enquiry, the Medical Examiner deems a further examination of the body necessary, he performs an autopsy after being authorized, in writing, by the Mayor of the city or town, and makes a written report of every fact and circumstance tending to show the cause and manner of death. The presence of two witnesses at autopsies is required, as in Massachusetts; and one may be a physician who receives five dollars for acting as a witness.

A Coroner is elected in each town who holds office for three years, and has exclusive jurisdiction in his district. He may appoint deputies and suspend or discharge them. The Coroner and deputies shall take the prescribed oath of office. Coroners may take ante-mortem statements.

If, upon view, personal inquiry or autopsy, the medical examiner is of opinion that the death was caused by the act or neglect of some person other than the deceased, he shall, at once, notify the Attorney-General and the Coroner of the town where the body lies and shall file a duly attested copy of his autopsy or view,

with the Coroner, and a like copy with the Attorney-General, and shall certify the fact of death and, if possible, the identity and the cause of death with the Registrar of the town.

The Coroner shall, thereon, hold an inquest, which may be private, and at which the Attorney-General, or some person designated by him may be present and examine all witnesses. The Attorney-General may direct an inquest to be held in the case of any casualty. Witnesses may be summoned by subpoena, and are allowed the same fees as in a criminal prosecution.

The Coroner, after hearing the evidence, shall draw up and sign a report, certifying when, where and by what means the deceased came to his death, his name, if known, and all other material circumstances. If it appears that death resulted, wholly or in part, from the unlawful act of any other person, he shall state the name of such person, if known to him. The testimony is filed with the Clerk of the Court where the indictment is found. The Coroner may bind over witnesses, or commit them to jail if they refuse to recognize. Or shall further make a complaint against the person accused, in writing and on oath, if such complaint be not already made; and shall, forthwith, notify the Attorney-General that he may appear personally, or by deputy to present the complaint.

If the Coroner reports that death was not caused by the act or negligence of some person other than the deceased, the Attorney-General, may, notwithstanding, order an inquest to be held, at which he may be present, or represented, and may examine all witnesses.

Bodies of strangers shall be decently buried, if necessary, at the public expense, the expense of burial to be recoverable from the estate of the deceased.

Reasonable compensation is allowed for bringing bodies to land, but not for searching for them.

The Medical Examiner to take charge of all property or moneys for sixty days, and be punished for fraudulently refusing or neglecting to deliver them.

FEEES OF CORONERS

For receiving and filing copy of autopsy . . . . .	\$0.50
“ each page of 200 words of autopsy testimony . . . . .	.30
“ “ day’s attendance at inquest . . . . .	5.00
“ filing and drawing up report . . . . .	5.00
“ recognizance of witnesses . . . . .	.35

FEEES OF MEDICAL EXAMINER

For view without autopsy . . . . .	\$4.00
“ “ and autopsy . . . . .	30.00
“ travel per mile . . . . .	.10
“ clerk per day actual service . . . . .	3.00

All accounts are paid only after approval by the State Auditor.

This system, as will be seen, is a *fac-simile* of the Massachusetts system, except that the Judge is replaced by a Coroner, and the Coroner need have no legal qualifications (which seems a decided defect).

CONNECTICUT SYSTEM, 1883, CH. 118.

Revised  
Statutes  
Conn.  
2003

The Judges of the Superior Court shall appoint for each county a Coroner, who shall be an attorney-at-law, residing in such county, familiar with criminal practice and medical jurisprudence, who shall hold office for a term of three years, unless sooner removed from office by the said Judges for cause shown. The Coroner shall have the powers, and perform the duties mentioned in chapter 124. Coroners shall give bonds for three thousand dollars.

2004

The Coroner for each county shall appoint for each town in the county an able and discreet person learned in the science of medicine to be Medical Examiner, who shall hold his office during the pleasure of the Coroner, and give bonds for one thousand dollars.

2005

When any one shall come to a sudden, violent or untimely death, or when any person shall be found dead, the manner of whose death is not known, any one who shall become aware of such death shall forthwith report the same to the Medical Examiner of the town in which the dead body lies, who shall pay the person first reporting such death fifty cents therefor, and shall, without delay, repair to view and take charge of such dead body.

2006

Whenever, after such view and immediate enquiry the Medical Examiner shall be satisfied that the death was not caused by the criminal act, omission, or carelessness of another or others, and that there are no suspicious circumstances attending the same, he shall, forthwith, make, sign and leave with the Registrar of births, deaths and marriages of the town a certificate of death in the form required by law, and he shall also, immediately after such view and inquiry, make out and mail or deliver to the Coroner of his county a certificate, signed by him, of the following or similar import.

2007

I, the undersigned, [A. B., Medical Examiner, having notice of the death of C. D., male, years old, late of the town of in (or, if an unknown person, stating that fact and carefully describing the body, its clothing and articles found on or near it, which may be of service in its identification, always stating sex, colour, apparent age, height, colour and cut of hair, beard, colour of eyes, and all special marks or defor-

...mities of body) who, on the day of A. D., 18 (was found dead or died) in the town of , having visited the body of the said deceased, and made immediate enquiry concerning the death, do hereby certify that the said C. D. died in on the day of A. D. 18 , from natural causes, suicide, or accident, as the case may be, stating manner of suicide or nature of accident) and I am satisfied that the said death was not caused by the criminal act or omission of any other person or persons, and that an inquest is unnecessary.

In accordance with the statute, I have delivered the body of the said deceased to (his friends or the town authorities) for burial.

Dated,

A. B.

Medical Examiner.

2008 If the Medical Examiner sees reason to suspect that death was caused by the criminal act, omission or carelessness of another, he shall, as speedily as possible, by telephone, telegraph or otherwise, notify the Coroner of the county of such death, and of the place where such dead body is lying. Whenever the Coroner has such notice, he shall, at once, and on other notice may proceed to view and take charge of the body and make all proper enquiry respecting the cause and the manner of the death; and, if from such inquiry and view he be satisfied that the death was not caused by the act, omission or carelessness of another or others, the Coroner shall make and sign the certificates required in like cases of Medical Examiners by the preceding section.

2009 If the Coroner sees reason to suspect criminal violence or negligence, he may cause an autopsy to be made by the Medical Examiner, who shall record, in writing, every fact and circumstance to show the time, manner and cause of the death, which writing he shall subscribe, under oath, and deliver to said Coroner. The taking of such testimony from such Medical Examiner, and any other person whom the Coroner may find it necessary to examine, shall constitute an inquest (or preliminary inquiry.)

2010 If necessary, the Coroner may summon a jury of six men of the country to assist him in his investigation. This inquest may be private.

2011 If the verdict or finding charges any one with having caused the death, the Coroner shall communicate, without delay, the import of said verdict to a Grand Jury or Prosecuting Attorney (Magistrate or Justice) of the town or city in which said death happened or was caused, and shall file with said Magistrate or Justice a record of the evidence taken by him.



2012 The Coroner shall keep a record book, into which he shall copy all the certificates sent to, or made by him, with the names and addresses of witnesses, the time and place of the view and inquest, the cause and manner of death, as found, the disposition and place of burial of the dead body, and a careful description of all dead bodies not identified before burial.

2013 The Coroner shall take, or cause to be taken the ante-mortem statement of persons thought to be dangerously wounded by the fault of another.

2014 The Medical Examiner shall take into his possession all property found upon, or near the deceased person, which, in his judgment, will aid the investigation of the death, and, when such articles are no longer required, for the purposes of justice, the Coroner shall return to the persons, entitled to their custody ; or, if they are not claimed by such persons within sixty days thereafter, then such articles or property shall be administered upon according to law.

2015 After the termination of the proceedings of the Medical Examiner and Coroner, the body shall be forthwith delivered to the friends of the deceased for interment ; or, in case there are no friends or relatives who will take charge of and bury it, then to the proper authorities of the town in which such dead body shall be lying, whose duty it shall be to bury it. Whenever the deceased person shall not have left property sufficient to pay the expenses of burial, then the same shall be paid by the said town.

2016 The Coroner may subpoena witnesses, and take testimony under oath ; also may order, arrest or bail suspected persons, or may commit without bail. Persons bailed may be re-arrested and committed without bail, when the presumption is great that they are guilty of a capital offence. The Coroner may order the release of such persons after the finding, or at any time before such finding, when the grounds on which the person is arrested cease to exist in the opinion of the Coroner.

2017 Any proper person shall serve orders, papers and processes, as directed by the Coroner, and remain in attendance on such Coroner, and issue his lawful orders during any inquiry or inquest.

2018 Any officer wilfully violating any of the provisions of this Chapter, and every person who shall wilfully reject or refuse to report a case of death as prescribed in sections 2005 and 2020, and who shall wilfully and unnecessarily touch, remove or disturb any such dead body or any article on or near the body shall be fined not more than five hundred dollars, or imprisoned for not more than one year, or both,

2079 Every Coroner may appoint a Deputy, who shall only act as such in case of the sickness, absence or the inability of the Coroner; and, when so acting, and for such time only, shall have the same powers and duties as are by this Chapter given to Coroners, and shall, while so acting, receive the same fees as the Coroner in like cases.

2080 In case of absence or inability of the Medical Examiner, it shall be the duty of any persons becoming aware of the death of any person, under the circumstances mentioned in section 2005, to report the same to the nearest accessible Medical Examiner of another town; who shall, thereupon, proceed to perform the duties and shall have the powers of the local Medical Examiner so absent and unable to act.

2081 In case the attendance of the Coroner or his Deputy cannot be procured within thirty-six hours after the Medical Examiner has taken charge of the dead body; and sooner, in case of the known inability of the Coroner and his Deputy, the Medical Examiner [or a Magistrate of Justice of the District] shall have the powers to hold an inquest; but the Coroner or his Deputy may, at any time, enter and take control of such inquest; and thereupon, such Medical Examiner [Magistrate or Justice] shall be relieved from all other powers or duties therein.

2082 If it shall be necessary to have a medical or microscopical analysis or other scientific investigation for the purpose of ascertaining the cause of the death of the person upon whose body he is holding an inquest, the Coroner shall so report to the State Attorney [Attorney-General] who may order such analysis or investigation to be made, and who shall certify the expense thereof, and shall order it to be paid.

2083 Every Coroner shall return to the Clerk of the Court for his county [Attorney-General], at the end of each month, a full account, signed and sworn to by him, of all the lawful fees, expenses and payments in each view [autopsy] or inquest; which account, after being audited, shall be paid, if found correct.

CORONERS' FEES.

For each day of inquest . . . . .	\$5.00
“ report of inquest . . . . .	5.00

MEDICAL EXAMINERS' FEES.

For view and inquiry . . . . .	\$ 4.00
“ “ “ autopsy . . . . .	25.00
“ each mile travelled . . . . .	0.10

I have given the Connecticut Statute nearly in full, as it appears to be the best Coroner's law anywhere in operation. The only points which appear objectionable are [1] that the Medical Examiners are appointed by the Coroner, and are, therefore, not independent ; [2] that the Medical Examiners are not obliged, when they consider no inquest necessary, to give information to the Coroner about the circumstances of the death.

The statute could be adopted almost as it stands for the Province of Quebec.

#### EFFECTS OF MEDICAL EXAMINER SYSTEM.

Under the Medical Examiner system the number of inquests has been enormously reduced in the above three States ; and, at the same time, their efficiency has been greatly increased.

In Massachusetts, under the Coroner's system, over a thousand inquests were annually held in Boston, of most of which the following was a fair description :— " The Coroner notified a constable, a constable summoned a jury, the jury were sworn, the body was viewed, one or more hearings were held, the testimony was submitted, the jury returned a verdict—and absolutely nothing resulted from all this ! " This is not entirely inapplicable to-day to many of the inquests held in the Province of Quebec.

In 1885, under the Medical Examiners' system, the total cost of medico-legal inquiries in Boston was \$7,551.00, although the population was 421,000, or nearly double that of Montreal. In the same year, 1260 cases were investigated in the whole of Massachusetts, at a cost of \$16,000, or \$12.60 for each case ; and this although autopsies always cost thirty dollars [\$30] with nine dollars[\$9] additional for witnesses and clerks. In Montreal, this year, from January 1st. to September 30th., the average cost of each inquiry has been over \$20 ; exclusive of autopsies ; in spite of the fact that no medical fees at all have been paid in 96 cases, or nearly one third of the total number investigated. The above Massachusetts estimate does not include the cost of the inquest ; but, in Boston, exclusive of fatal railway accidents, in which an inquest is compulsory, only about fifty inquests are found necessary for criminal purposes. As the fees for each inquest are \$10, and no medical fees are paid, this only means an expenditure of \$1000 extra for inquests, in Boston, which result annually in 20 verdicts of homicide, 10 trials and 10 convictions.

I make this comparison in order to show that the introduction of a preliminary medical examination, as the first step in cases of supposed death from violence, is a very effectual means of preventing useless inquests ; although, oddly enough, this fact has always been lost sight of in attempts to reduce the number of inquests in Quebec, and medical examinations have, from first to last, been ignored, with results not altogether satisfactory.

In Connecticut, the effect has been the same as in Massachusetts, although the office of Coroner has been retained. In New Haven, only 35 inquests annually are necessary, with a population of 82,000.

No one in the States mentioned seems to be of opinion that crime is overlooked which would have come to light under the Coroner's system.

The retention of legal Coroners appears to me to be an advantage, as it ensures the investigation being conducted in accordance with the law. It also relieves the Medical Examiner of all responsibility apart from the medical side of the case. It often happens that while the cause of death is very plain, the question of criminal responsibility depends entirely on outside circumstances; but, without a medical examination, it would be impossible, in many cases, to decide the responsibility. Medical evidence, obtained by the medical enquiry of a Medical Examiner, is safer than that taken by a non-medical Coroner, who has to accept, without question, all statements of medical fact and opinion made to him by persons who may be interested in deceiving him, or be themselves deceived.

#### NEW HAMPSHIRE.

There are no Coroners,—the investigation being made by the County Solicitor, who calls in any physician he may think fit, to aid him. The system is stated to be unsatisfactory, as there are no skilled medical examiners trained under it.

#### NEW JERSEY.

There is a medical examiner, called the County Physician, who investigates all suspicious deaths, and makes autopsies when he considers it necessary. In Newark, with a population of 350,000, over 800 deaths are investigated annually, at a cost of \$3,500 salary, besides expenses.

In appropriate cases a Jury is called by a Coroner, and the case is thus investigated, or an inquest may be conducted by the District Attorney. About 35 cases are annually investigated by inquest.

This system appears to throw too much responsibility for non-medical matters upon the Physician. It is, however, thought very highly of by the judges and lawyers, and seems to work well.

#### NEW YORK.

There are four Coroners, each of whom has one Medical Deputy, known as a Coroner's Physician. The medical deputies make all autopsies, and examinations of the body, and report the result, in each case, to the Coroner, after signing a death certificate when the medical examination is completed. The deputy has

authority to make autopsies, when necessary, and these are held in about 25% of all the cases. Inquests are held in public, before a Jury, when the death is due to other than natural causes. All cases must be investigated by the Coroner or Deputy which have not been attended for 24 hours previous to death by a physician, or when the cause of death is not known. Coroners are paid \$5,000 per year each, and deputies \$3,500. The total number of deaths investigated annually is 5,600, and the cost, is \$55,000 in all, making about \$10 for each case, or less than one-half what is paid in Montreal. This system appears to be good in principle. A good deal of dissatisfaction is expressed at the delay in holding inquests when death is accidental, in order to bring about incriminating verdicts, upon the strength of which claims for damages may be based. This seems due to the fact that officials are over-worked, and the labours not equally divided, there being too many Coroners and too few Deputies.

#### PENNSYLVANIA.

In Philadelphia there is one salaried Coroner, with four salaried Deputies and two salaried physicians to make autopsies. The deputies are detectives and have power to take sworn depositions, which may be admitted as evidence, if approved of by the jury. No medical fees are paid. The grounds of investigation are the same as in New York. The jury consists of six citizens, who sit during the week about two or three hours daily, and hear all the evidence. They do not have to view the body. About 2,500 inquests are annually held, at a cost of about \$25,000. (Population 1,200,000.) The grounds for investigation are the same as in New York, and 72 oyo of the deaths are due to natural causes. The autopsies are made when the cause of death is unknown. This system is considered satisfactory and efficient, and is very well managed.

#### DELAWARE.

In Wilmington the Coroner is paid a salary, and is a physician. The deputy is an undertaker, who receives no salary, but is paid, indirectly, by the expenses of funerals. The system is not popular amongst the other undertakers, some of whom are ex-deputy-Coroners. There is a medical examiner, who makes medical examinations and autopsies ordered by the Coroner or deputy. Juries are called only in special cases.

There seemed to be a good deal of friction between the officials, owing to their respective duties not being clearly defined.

#### MARYLAND.

In Baltimore there are seven salaried Medical Coroners, one to each police district, who investigate deaths, and hold inquests when necessary. Juries are only summoned when death is due to the act of another than the deceased. Autopsies are made by two salaried physicians, at the order of the Coroner.

## WASHINGTON, D. C.

There is a salaried Medical Coroner, with a salaried medical Deputy, to perform autopsies. All deaths not due to known causes are investigated. Juries are summoned in all cases of unnatural death, except accidents and suicides.

## OHIO.

In Cincinnati there is a salaried (\$3,500) Medical Coroner, who investigates 700 cases annually, and holds inquests in public when death is not due to natural causes. A fee of \$20 is paid when a complete autopsy is necessary, or \$10 for a partial autopsy. An attempt is being made to secure a salaried medical officer, to make the autopsies.

## KENTUCKY.

In Louisville there is a Medical Coroner, who performs his own autopsies. Juries are summoned when death is shown to be due to violence. The disadvantage of this system is that all medical and legal responsibility rests with one man.

## MISSOURI.

In St. Louis there is a salaried Medical Coroner with a Coroner's Physician to perform autopsies, the fee for which is \$10. Juries are only called in cases of homicide, but all inquests are held publicly.

## ILLINOIS.

In Chicago there is a salaried Coroner with a salaried Coroner's Physician to make medical inquiries and perform autopsies. Inquests are held before a jury of six, when death is not due to natural causes. Deputy Coroners are appointed, who may hold inquests.

## ONTARIO.

In Toronto there are 28 Medical Coroners appointed by the Province, and paid by fees, from the county treasury. Inquests are held only when there is strong suspicion the death is due to violence, the Statute being the same as that subsequently adopted in Quebec. The grounds for holding an inquest must satisfy the Crown Attorney for the district, and inquests are not held in suicide or accident from unavoidable causes, or from negligence of the deceased.

I am informed that it is proposed to appoint a Medical Officer, who shall perform all autopsies. Autopsies are held in almost every inquest, and are ordered by the Coroner, without consulting the jury; but other medical evidence is only paid for when demanded, in writing, by the jury. About 100 inquests are annually held in Toronto and the entire county of York. (Population 200,000.)

What is most striking in the Coroner's system throughout the United States is that (1) special medical officers are provided in larger cities and (2) the salary system is almost universal in cities of 200,000 and over, both for Coroners and Physicians.

It is difficult to judge of the merits of the various Coroner Systems, owing to the fact that ward politics regulate all the appointments. Without, in any way, wishing to reflect upon the gentlemen holding positions, it must be admitted that more really good medico-legal work is done every year by the handful of men acting as Medical Examiners in Massachusetts, Rhode Island and Connecticut than by the hundreds of Coroners and coroner's physicians throughout the remaining States. Medical Examiners have, as a class, much higher professional standing than coroners' physicians.

The only reason I can assign for this difference between the two systems is that, unless a life study is made of this special class of work, sufficient experience is not obtained; and, unless occupied personally in making medico-legal studies, and especially autopsies, scientific interest in the cases is soon lost.

I see no reason why the coroner's system should not work well; but, for some reason or other, it does not appear to do so. I found very few men who had anything better to say of the Coroner system than that "it was a farce:" (those who thought otherwise being, in all cases, themselves Coroners), and many Coroners said that they found their work very unsatisfactory. On the other hand, every one appeared to be enthusiastic about the Medical Examiners' system; more especially judges and lawyers.

Where special medical officers were appointed to Coroners' Courts, no other medical fees were paid, or expected to be paid. In most cases the written depositions of medical men were accepted as evidence; and their presence at inquests was seldom necessary. When opinions were wanted, the experts were usually asked to decide upon the facts given by the medical witnesses. This was found to prevent opinions being given which were not justified by the facts. Some check upon indiscriminate medical opinions, not justified by any facts, is greatly wanted in Montreal.

The old custom, which compels juries to view the bodies, appears to have practically been done away with in most States.

#### SCOTLAND.

In Scotland there are no Coroners or Juries, and investigations are all made by the procurator-fiscal [Investigating Attorney] and the Police Surgeon for the district. The proceedings are absolutely secret. The system is cheap and efficient; but some agitation is, at present, being made for public inquests before juries, in cases where deaths appear due to negligence.

## FRANCE.

All deaths are investigated separately, by two official physicians, whether suspicious or not ; and no certificate is accepted from the physician in charge of the case. In medico-legal cases the investigation is made by a magistrate and a medical expert. There are no juries, except in the regular Court.

## GERMANY.

The system is practically the same as in France, and is conducted by a police magistrate and two medical experts. Detailed official instructions exist, as to how views and autopsies shall be performed, and how reports shall be drawn up. These reports are examined by a special Court of medical experts [super-arbitrium] in case their accuracy is called into question, and it is officially decided whether the conclusions agree with the facts established. The system works well, but involves a great deal of labour. No one is allowed to perform medico-legal autopsies, unless he has passed a severe special examination.

## AUSTRIA.

In Vienna, besides medico-legal autopsies directed by the Magistrates, in every case of sudden death from unknown causes, an autopsy is performed by an official expert. In this work a fixed salary is paid. Over 800 autopsies in such cases are annually made in Vienna.

## ENGLISH CORONER'S LAW.

In England, Coroners had, formerly, practically unlimited authority for investigating deaths, whether these occurred under suspicious circumstances or not. In Manchester, in 1867, three thousand cases of deaths from natural causes were investigated.

The Coroners' Act of 1887, in England, was largely intended to prevent unnecessary inquests, but still compels Coroners to summon Juries when there is reasonable cause to suspect that death was due to (1) violent or unnatural causes, (2) sudden cases, of unknown nature, (3) deaths in prison or (4) under circumstances calling for an inquest in pursuance of any act (intended especially for all cases where the death certificate is unsatisfactory.)

This obliges the Coroner to hold an inquest in all cases where death is not known to be natural, and to deaths of all kinds occurring in prisons.

No provision is made for medical expert testimony ; the law, in this respect, being retained verbatim from a statute passed in 1826, whereby the physician in attendance, or any other physician, is called upon to testify and perform autopsies, if necessary.



It may be stated, in this connection, that the leading English medical journal has pronounced the system of having an official medical officer to be "a decided improvement in the matter of Coroners' inquests and evidently a step in advance." (British Medical Journal, October, 1893.)

The English system appears to offer no guarantee that the medical work will be well done. The medical fees paid are \$10 for an autopsy, and \$5 for other evidence.

In England autopsies are very frequently performed; being held in from 50 0/10 to 70 0/10 in all inquests in London.

The Coroner may order an autopsy without consulting his jury; and autopsies are usually performed before the jury meet. If no autopsy has been performed the jury may demand that this be done, or may order a further autopsy, if the first is not considered satisfactory. The same applies to chemical analysis.

As Juries are obliged to be summoned in all cases investigated, no attempt can be made to hold autopsies in order to prevent inquests.

Coroners are paid salaries, based upon a rate of \$7.50 for each inquest held, and this salary is adjusted every five years, to correspond with the increased number of inquests.

In London, during 1892, altogether 8,569 deaths were investigated: in 6846 of which inquests were found necessary. Autopsies were held in rather more than half of all the inquests. The total cost of the year, including Coroners' salaries, and medical and other fees, and all expenses was £21,890 or, in currency [at \$4.86] \$106,385; making the average cost for inquest \$15.55, and the cost of investigating each death \$12.35, or about the same as in Massachusetts.

The London County Council are, at present, considering a plan for lessening the number of inquests, by providing for a preliminary medical examination. The figures given are taken from the last report of the Public Control Department of the London County Council.

It appears to be sufficiently obvious that medical examinations, and especially autopsies, do not appear to increase the costs of inquests in London, as the average cost of an inquest there is less by seven dollars than it is in Montreal: although autopsies are held four times as frequently in London; and the fees paid are the same.

#### CANADA—ORIGIN OF CORONER'S OFFICE.

From the result of a careful search through the old Statutes and Orders-in-Council, as well as the early files of the Official Gazette, made jointly by Mr. Quinn, Q. C., and myself, it was found that the introduction of the Coroners' sys-

tem into Canada apparently took place while the country was under military rule ; in the interval between the fall of Quebec and the establishment of constitutional government for the Province of Canada in 1764.

<sup>1764</sup> The constitution of 1764 makes no provision for the office of Coroner and at no subsequent time has there been any Act stating how the Coroner shall be appointed and what his powers shall be.

That coroners already existed in 1764 is evident from an Order-in-Council, passed on September 17th of that year, whereby balliffs are given power to " inspect all bodies exposed, and on whom marks of violence appear, in the presence of five reputable householders of the same parish, and to report, in writing, to the nearest Magistrate, in cases where the services of the coroner cannot be obtained."

<sup>1775</sup> In the year 1775 these powers were extended to Captains of Militia, under like circumstances.

<sup>1778</sup> In the year 1778 coroners were appointed to the newly created judicial districts of Lunenburg, Mecklenburg, Nassau, Hesse, in the West, and Gaspé, extending East from Cape Chatte below Quebec ; no mention being made of Quebec, Three Rivers and Montreal. Up to that time, it may be assumed that coroners had been appointed between 1759 and 1763, while the country was under military rule, and not to have been formally provided for in the Constitution of the Province. So that the office is not constitutional, but merely traditional.

No special mention is made of coroners in the British North America Act.

DOMINION STATUTES.

The statutes of the Dominion only deal with the Coroner's office, as far as it concerns criminal procedure. The sections relating to Coroners in the Criminal Code of 1892 are :—

Section 642. " After the commencement of this Act no one shall be tried upon any Coroner's inquisition.

Section 568 provides that " Any person charged with murder or manslaughter upon a Coroner's inquisition shall be taken into custody under the Coroner's warrant and conveyed before a Magistrate or Justice : also that the Coroner shall transmit to such Magistrate or Justice a record of the depositions taken before him." " Upon such persons appearing, the Magistrate shall proceed as though such person had been brought before him under a warrant."

The real inquest, as to criminality, now takes place before a Magistrate, and the object of the coroner's inquisition is chiefly to find whether death is due to violence or not.

Section 944 directs the coroner to hold an inquest upon the body of any one upon whom judgment of death is executed.

Except the above, there is nothing whatever in the Dominion Statutes regulating the action of the coroner's jury : and the coroner's jury have no place at present, in criminal procedure.

I was informed at the Department of Justice in Ottawa that it is perfectly within the powers of the Province to abolish coroners and juries altogether, if it seems advisable ; and that the view of the body by the Jury is not at all necessary to legalize the verdict, in case of homicide, any more than it is necessary for a constable to view stolen goods in order to legalize an arrest for larceny. The office and doings of the coroner are regarded by the Dominion as purely a local matter of police.

#### QUEBEC STATUTES.

The statutes dealing with the coroners' inquests are nearly all prohibitive in tendency.

Almost the only statute justifying interference by the coroner is Article 69 of the Quebec Civil Code, which states that "when there are signs or marks of violent death or other circumstances which afford grounds to suspect such death, or when death has occurred in prison or in an insane asylum, the body may not be buried without an order from the coroner or other officer charged in these cases to examine the body." Nothing is said here about a jury.

Article 2687 Quebec Revised Statutes orders that no inquest shall be held unless the coroner "shall have made a declaration in writing prior to summoning a jury, that, in his opinion, there is reason to believe that the deceased died from violence or unfair means."

This has been amended, in 1892, by obliging the Coroner to make a sworn declaration that "from information received, a summary of which information shall be stated in the declaration, the Coroner has good grounds for believing that the deceased did not come to his death from natural causes, or from mere accident or mischance ; but came to his death from violent or unfair means, or culpable or negligent conduct of others, under circumstances requiring investigation by a Coroner's inquest."

This law has met with a good deal of adverse criticism ; but it appears to me to be excellent in principle. The only serious defect is, that it is, in many

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cases, impossible to make such a declaration without a definite knowledge of the cause of death, and no means are allowed the Coroner of obtaining evidence upon this essential point without holding an inquest and incurring all the expenses incidental to it.

As more than half of the inquests held in England are upon cases where death is due to natural causes, as 68 0/10 in New York and 72 0/10 in Philadelphia are also on such cases, it may be fairly assumed that a number of natural deaths occur under circumstances requiring medico-legal investigation. In Montreal the percentage of natural deaths investigated in the present year forms 42 of the total. In Vienna it is 55 0/10, in Boston 36 0/10 and in Chicago 47 0/10.

It is evident that to do away with useless inquests they must either be excluded by the Coroner himself from a preliminary inquiry, or by inquiry by other parties; for instance, by the local health authorities. That inquiry by some one or other is necessary, can hardly be disputed.

The Province of Quebec appears to have endeavoured to avoid, as much as possible, the medical investigation of these cases; and, especially the prompt and satisfactory means afforded by performing an autopsy.

Article 2689 states that "no Coroner shall direct a post-mortem examination of any body upon which an inquest is being held, except upon a requisition of a majority of the jury, unless the Coroner shall have made a declaration, in writing, to be returned and filed with the inquisition, that, in his opinion, the holding of a post-mortem examination is necessary, in order to ascertain whether or not the deceased came to his death by violent or unfair means."

It is evidently considered that the autopsy is an expensive luxury which can only be indulged in by the Province under very special circumstances, and the whole effect of the statute, as interpreted by Coroners, has been to reduce the number of autopsies to a minimum.

I have shown, in another part of this report, that it is necessary to spend, on an average, over \$20 in fees and expenses of various kinds before the investigation reaches a stage when autopsy can be lawfully authorized. The full fee for an autopsy is, in any case, less than half the average cost of an inquest; and would, in the present year, have shown more than half of the inquests held to be unnecessary. Apart from this, a medical inquiry and view of the body, even without an autopsy, is often sufficient to show that death is due to natural causes and no inquest necessary.

The true way, therefore, to do away with unnecessary inquests is to provide for the preliminary inquiry and medical examination of the body, sufficient to decide whether death is due to violence or not.

As to the question as to what fee should be paid for such preliminary inquiries, the present half-fee of three dollars paid to the Coroners does not seem to have had the desired effect of avoiding inquests; as, in the absence of any direct medical evidence as to the cause of death, inquiries have to be made in a troublesome and indirect way. Were the Coroner allowed a preliminary medical examination and inquiry, made by a competent medical examiner, it is evident that in about half of the cases, he would have very little to do.

The investigation is not, however, purely a medical matter: because, in many cases, especially in accidents, where the cause of death could be determined at once, the question of responsibility might be decided only after considerable inquiry.

If, therefore, the inquiries were made jointly by the Coroner and Medical Examiner, a reduced fee for each would appear permissible; as there would be a large number of cases where one of them would have very little trouble.

In all cities of large size which I visited, much better results seemed to be obtained from a system of salaries than is possible with fees: and I know of no city of the size of Montreal where the Coroner (and, usually, the Medical Officer, as well) are not paid salaries. I did not find, in such case, that complaints of non-performance of duties existed.

It seems safe to provide for a medical examination of the body, in the case of every death requiring investigation. Examination of the body and its surroundings, without an autopsy, may, in certain cases, give valuable information, if done by a competent expert, but the viewing of bodies, by persons not having medical training, is practically useless; as such persons constantly mistake ordinary post-mortem changes for marks of violence, and estimate wrongly the significance of marks of violence. Signs of external violence, however, are often entirely absent, when death is due to rupture of internal organs, from the effect of blows, or in cases where the skull is fractured.

In cases where inquiry into medical matters is necessary, a non-medical Coroner is forced to accept all statements of medical opinion made to him; not being able to criticize the medical facts upon which such opinions are based. The absurd results which may arise are amply demonstrated in many of the records of inquests held in Montreal during the present year: opinions, which were obviously unsupported by any facts, having been accepted without question, and verdicts rendered in accordance with them.

#### MORGUE.

The absence of a suitable morgue greatly interferes with our work in Montreal. I have carefully studied the construction of the morgues in Boston, New York, Philadelphia, St. Louis and Chicago; especially with regard to the preservation of bodies for identification. I find that this could be done in Montreal, at a cost of only a few hundred dollars per annum.

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The Coroner, the Medical Health Officer and myself have been asked by the sub-Committee appointed by the city to consider the question of a morgue, to make suggestions upon the subject, and we are preparing a report. The city authorities appear anxious to have a suitable morgue constructed.

It will be necessary to have, besides rooms for the jury and witnesses and an office for the Coroner, a mortuary, where dead bodies can be kept for identification; a good room for performing autopsies, and a small laboratory for making microscopical examinations. Some arrangements, for refrigerating bodies, will also be necessary.

In most of the cities mentioned, the expenses of the morgue were entirely defrayed by the city. I should think it best for the Province to pay a fixed rental for the use of the morgue, and have it in connection with the City Police Bureau, but do not see that the Province is obliged to pay any morgue expenses at all.

The following table shows the relative frequency of deaths investigated and inquests held, together with the percentage of autopsies found necessary, and the average cost of such inquiry in some of those localities of which I have reliable information. I have also given, in some cases, the frequency of homicides.

Locality.	Population	Homicides, per 1,000 of population.	Deaths investigated per 1,000.	Inquests per 1,000.	Percentage of autopsies to inquests.	Percentage of deaths found natural.	Average cost of each inquiry.
Montreal .....	300,000	.24	1.3	1.0	20	55	\$22.28
London.....	4,232,000	.18	2.0	1.6	60	60	15.35
New York.....	1,600,000	.35	3.0	1.5	80	68	10.00
Boston.....	480,000	.43	1.2	0.3	80	36	16.90
Massachusetts.....	2,238,940	.26	1.2	"	"	"	12.80

The cost given for Massachusetts does not include the inquests. The fees for these are [\$10] ten dollars in each case, and they are ordered in about 25 0/100 only of all the deaths investigated. As autopsies in Massachusetts cost \$40 each, the figures given represent fairly what the whole cost of the Massachusetts system would be with our fees for autopsies. In London the cost of each death investigated is really only \$12.35, if those cases are taken into account where no inquests are held.

TABLE SHOWING ANNUAL NUMBER OF HOMICIDES TO 10,000 POPULATION.

Locality.	Population.	Annual number of Homicides.	Annual rate of Homicides per 10,000 living.	Remarks.
London, C.....	1,500,000	23	0'15	
Vienna .....	1,356,000	26	0'18	
Paris.....	2,450,000	47	0'19	
Liyerpool.....	550,000	12	0'22	
Philadelphia .....	1,200,000	27	0'24	
Montreal.....	250,000	6	0'24	City and Suburbs.
Buffalo.....	300,000	10	0'33	
New York .....	1,600,000	56	0'35	
Boston .....	480,000	21	0'43	
Toronto .....	200,000	10	0'50	
Pittsburg .....	550,000	28	0'51	Not including homicides at the Homestead strike.
Chicago .....	1,500,000	98	0'65	
Cleveland .....	300,000	20	0'66	
Birmingham.....	480,000	45	0'89	
St. Louis.....	500,000	69	1'38	
Louisville.....	190,000	30	1'58	
Charleston .....	75,000	15	2'00	

These include murder, manslaughter and infanticide, and represent the findings of inquests, not of trials.

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TABLE SHOWING THE RELATIVE PROPORTION OF DEATHS FROM DIFFERENT CAUSES IN EVERY 100 CASES INVESTIGATED.

Locality.	State.	Homicide.	Suicide.	Accident	Natural Causes.	Unknown Causes.	Remarks.
Montreal .....	Quebec	2'0	6'0	38'0	42'0	12'0	
Toronto .....	Ontario	10'0	—	—	—	—	
Kingston .....	"	6'6	13'4	40'0	40'0	—	
London, C .....	England	0'7	5'5	—	—	—	
Liverpool .....	"	0'7	3'1	20'0	72'3	3'9	
Birmingham .....	"	3'9	—	—	—	—	
Paris .....	France	5'1	25'3	48'0	5'7	19'5	Morgue.
Vienna .....	Austria	3'2	23'0	19'0	54'0	0'8	
Boston .....	Mass.	4'6	18'1	41'2	36'6	—	
State of Mass... ..	"	3'26	10'16	47'06	37'94	1'58	
New York .....	N.Y.	1'0	5'0	27'0	68'0	—	
Buffalo .....	"	1'6	—	—	—	—	
Newark .....	N.J.	1'2	—	—	—	—	
Milwaukee .....	Wis.	2'1	—	—	—	—	
Cleveland .....	Ohio.	5'0	—	—	—	—	
Cincinnati .....	"	5'0	12'0	45'5	37'5	—	
Philadelphia ..	Pa.	0'8	3'0	25'0	71'8	0'4	
Pittsburg .....	Pa.	1'7	6'6	67'6	20'0	4'1	
Chicago .....	Ill.	4'2	12'3	36'5	47'0	—	
Charleston .....	S.C.	6'2	4'3	12'5	77'0	—	

NOTE.—Where the number of deaths from unknown causes is not specified it is included with the natural causes.

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TABLE SHOWING THE RELATIVE PRELIMINARY INQUIRIES, INQUESTS AND AUTOPSIES TO POPULATION.

LOCALITY.	STATE.	POPULATION.	Deaths investigated per year. Total per 1000 pop.	Annual inquests. Total per 1000 pop.	Annual autopsies ordered, and percentage to inquests.	Percentage of autopsies to deaths investigated.	Remarks.
Montreal .....	P. Que.	x 300,000	x 400 or 1'3	300 or 1'0	x60 or 0'0 x20	x13	Numbers marked (x) are approximate only.
Toronto .....	P. Ont.	200,000	100 " 0'5	60 " 0'3	60 " 100	60	
Hamilton .....	"	50,000	20 " 0'4	20 " 0'4	12 " 60	60	
Kingston .....	"	20,000	20 " 1'0	10 " 0'5	1 " 10	10	
Halifax .....	N.S.	40,000	? —	10 " 0'25	10 " 100	?	
St. John .....	N.B.	40,000	40 " 1'0	12 " 0'3	10 " 83	25	
Victoria .....	B.C.	25,000	30 " 1'2	30 " 1'2	22 " 73	73	
London .....	England.	4,232,000	x8,569 " 2'0	6,848 " 1'6	22 " 50	?	
London, W. ....	"	1,250,000	600 " 0'5	610 " 0'5	400 " 66	66	
London, C. ....	"	1,500,000	2,300 " 1'5	1,743 " 1'2	1,200 " 68	52	
London, S.W. ....	"	480,000	730 " 1'7	464 " 0'9	300 " 64	41	
Liverpool ....	"	550,000	1,660 " 3'0	800 " 1'5	? " "	?	
Birmingham ..	"	480,000	1,140 " 2'4	421 " 0'9	300 " 71	26	
Paris .....	France.	2,450,000	911 " 0'37	x 278 " 0'11	294 " —	30	
Vienna .....	Austria.	1,356,000	x1,496 " 1'1	1,006 " 0'78	1,066 " 107	63 ?	
Boston .....	Mass.	480,000	600 " 1'2	150 " 0'35	120 " 80	20	
Providence .....	R.I.	132,000	x 150 " 1'1	24 " 0'17	x32 " 130	x 21	
New Haven .....	Conn.	82,000	x 80 " 1'0	35 " 0'4	? " —	?	
New York .....	N.Y.	1,600,000	x5,600 " 3'0	2,400 " 1'4	x1,500 " 60	25	
Brooklyn .....	"	900,000	1,800 " 2'0	1,800 " 2'0	x 900 " 50	50	
Buffalo .....	"	300,000	600 " 2'0	60 " 0'2	50 " 83	8	
Newark .....	N.J.	350,000	810 " 2'3	x 35 " 0'1	120 " 343	14	
Philadelphia ..	Pa.	1,200,000	3,300 " 2'7	2,500 " 2'0	440 " 15	13	
Pittsburg .....	"	550,000	1,100 " 2'0	900 " 1'8	150 " 16	14	
Cincinnati .....	Ohio.	500,000	750 " 1'5	520 " 1'04	25 " 6	3'3	
Cleveland .....	"	300,000	400 " 1'3	300 " 1'0	50 " 15	12	
Wilmington ..	Del.	100,000	130 " 1'3	x 100 " 1'0	x20 " x20	x15	
Baltimore .....	Md.	500,000	550 " 1'3	x 200 " 0'4	80 " x40	12	
Washington ..	D.C.	240,000	x 600 " 2'5	x 200 " 1'2	x 100 " x50	16	
Louisville .....	Ky.	190,000	x 369 " 1'9	150 " 1'26	x 36 " 24	10	
Charleston .....	S.C. }	75,000	300 " 4'0	60 " 0'9	80 " 133	26	
St. Louis .....	Mo. }	500,000	1,200 " 2'4	69 " 0'13	250 " 300	20	
Chicago .....	Ill.	1,500,000	2,300 " 1'5	1,757 " 1'15	260 " 15	11	
St. Paul .....	Minn.	160,000	200 " 1'25	20 " 0'12	3 " 15	1'5	
Milwaukee .....	Wis. }	245,000	3,792 " 1'5	226 " 0'8	12 " 5	3	



## INDEX TO APPENDIX.

## CONTENTS.

PAGE.	
1.	Officials employed to investigate suspicious deaths in various States.
12.	Medical Examiner systems.—Massachusetts system.
14.	“ “ “ Rhode Island “
16.	“ “ “ Connecticut “
20.	Effects of Medical Examiner system.
21.	New Hampshire system of County Solicitor.
21.	New Jersey “ “ Physician.
21.	Coroner systems.—New York.
22.	Pennsylvania.
22.	Delaware, Maryland, Washington, D. C.
23.	Ohio, Kentucky, Missouri, Illinois.
23.	Ontario.
24.	Comparison of Coroner and Medical Examiner systems.
24.	Scotland, France.
25.	Germany, Austria and English Coroner law.
26.	Canada.—Origin of Coroner's office.
27.	Dominion Statutes.
28.	Quebec Statutes.
30.	Necessity of Medical Examination.
31.	Morgue.
32.	Statistical Tables.



